

**THE CABINET**  
**Monday, 17th December, 2018**

Present:- Councillor Read (in the Chair); Councillors Alam, Allen, Beck, Hoddinott, Lelliott, Roche, and Watson.

Also in attendance Councillor Steele (Chairman of the Overview and Scrutiny Management Board)

**64.       DECLARATIONS OF INTEREST**

Councillor Read declared a personal interest in Minute No. 78 (Swinton Town Centre Redevelopment) on the grounds of the close proximity of a close family member to the scheme and did not participate in the vote.

**65.       QUESTIONS FROM MEMBERS OF THE PUBLIC**

There were no questions from members of the public.

Councillor Sansome commented on the report as part of Minute No. 78 (Swinton Town Centre Redevelopment) and welcomed the involvement of Ward Members in taking the proposals forward.

**66.       MINUTES OF THE PREVIOUS MEETING**

**Resolved:-** That the minutes of the Cabinet and Commissioners' Decision Making Meeting held on 19<sup>th</sup> November, 2018, be agreed as a true and correct record of the proceedings.

**67.       EXCLUSION OF THE PRESS AND PUBLIC**

**Resolved:-** That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the agenda items 15, 16, 17 and 20 on the grounds that the appendices involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to Information) (Variation) Order 2006.

**68.       ADULT SERVICES NON-RESIDENTIAL CARE CHARGING POLICY REVIEW**

Consideration was given to report which detailed how the Care Act 2014 focused on improving people's independence and wellbeing. It made clear that it was the duty of the Council to provide or arrange services that helped prevent or delay people developing needs for care and support. The Council must maintain a service for providing advice and information relating to care and support and the Act stated that Councils may make a charge for meeting needs, covering the cost that was incurred by the

Local Authority in meeting the needs to which the charge applies. In order to do this, a financial assessment was required to determine an individual's contribution to their care cost.

The report, therefore, set out the options available to the Council for non-residential care charges, including options for the financial assessment. An initial review had been undertaken on the non-residential adult care charging policy and had identified key areas for proposed change. The report detailed the Council's current policy which had been benchmarked against other Authorities in the region, and outlined a number of proposed changes for consultation in five key areas:-

- Minimum/maximum charge.
- Additional carers.
- Charge from start of service.
- Review of Disability Related Expenditure (DRE).
- Attendance Allowance/Disability Living Allowance/Personal Independence Payments.

**Resolved:-** That public consultation be commenced with service users and carers so as to inform the changes to the current policy and to provide opportunity for the public to provide feedback on the following proposals:-

- (a) The removal of the maximum charge for non-residential care, while maintaining the minimum charge of £1.
- (b) The introduction of charges where additional carers are provided.
- (c) Amend the policy so that service users are charged from the start of their service provision, instead of from when they are informed of their financial contribution following their financial assessment.
- (d) To include the full value of high rate Attendance Allowance and Disability Living Allowance, and the enhanced daily living component of Personal Independence Payments, when carrying out non-residential financial assessments for all services not just services provided at night.
- (e) To consult on a standard list or rate of Disability Related Expenditure (DRE) to be allowed in the financial assessment.

## **69. HOUSING RELATED SUPPORT - CHILDREN AND YOUNG PEOPLE PATHWAY TENDER**

Consideration was given to the report which provided an update on the changing needs of young people accessing housing related support services. It outlined recommendations for the future commissioning of the Housing Related Support Service for young people aged 16 - 25.

The main purpose of the supported housing service was to provide short term safe accommodation and assist vulnerable young people to gain the skills needed to obtain and/or maintain a secure accommodation and supported young people's transitions from supported housing into their own tenancy as well as offering intervention where there was an increased risk of homelessness.

The contracts were awarded in October, 2017 and formed part of the Young People Pathway. The contract period was awarded for one year from 1<sup>st</sup> October, 2017 to 30<sup>th</sup> September, 2018, with an option of a one year extension subject to a contract review. The Council have taken advantage of the built in contract extension for a period of nine months to allow for the re-procurement for the service.

Several cost benefits linked to this service in terms of health, education, future issues which in turn would assist with saving money.

The report set out in detail:-

- An overview of the current commissioned services and key issues.
- The national and local context of young people's changing needs, due to young people presenting with more complex issues.
- An overview on the revision of the existing services and the progress to co-produce a future model that will meet the needs of all young people.
- Outlined how Adult Care and Children were jointly developing clear pathways which may differ depending on the needs of the individual and the statutory requirements for Children and Young People's Services.

Cabinet Members sought clarity on the timeline for the tender process which was set out as part of the report, which would lead to the award of contact by May, 2019. It was suggested that a further report be submitted to Cabinet on the conclusion of the procurement process.

**Resolved:-** (1) That the new service model defined following the completion of the Co-production work and this will inform the specification for the new contractual arrangements be noted.

(2) That the tender for the Housing Related Support Service for young people aged 16-25 following completion of co-production work with relevant stakeholders to develop the new service be approved.

(3) That a further report be submitted to the Cabinet on the conclusion of the procurement process.

**70. ANNUAL UPDATE ON THE ESTABLISHMENT OF EDUCATION PROVISION AT WAVERLEY**

Consideration was given to the report which detailed how the Waverley residential and business community development site based in Rotherham had outline planning consent for up to 3,890 homes, retail units, community facilities, two primary schools and green infrastructure.

The report, therefore, provided an update in relation to the establishment of education infrastructure on the Waverley site.

As the full pupil yield from new housing could take several years to be realised, the current trigger points to release funding to develop the second Waverley primary school were currently considered to be too early and would have an adverse effect on Waverley Junior Academy as, if the second school opened too early, there would potentially be significant surplus capacity in both schools until the pupil yield increased and schools were funded based on pupil numbers from schools census.

A longstanding Section 106 of the Town and Country Planning Act 1990 funding agreement stipulated the funding release trigger points and timescale for the use of the funding to create primary school education infrastructure. Stipulations have been met for Waverley Junior Academy and any subsequent deed of variation relating to trigger points for school number two would need to be determined through the planning process should it be required to increase the trigger of occupied dwellings for the second primary school by a further 800 occupied dwellings by the developers.

**Resolved:-** That the annual update report be noted.

**71. PROPOSAL TO INCREASE CAPACITY AT ASTON ACADEMY THROUGH BASIC NEED FUNDING**

Consideration was given to the report regarding Aston Academy which was currently oversubscribed and the trend set to continue in future years given its popularity.

This report, therefore, sought approval to fund an increase in capacity at the school to accommodate the current and future demand for places, subject to a successful planning application.

There were significant additional costs to the building project as there were four temporary classrooms and a school gymnasium with changing rooms on site which have a temporary planning consent, as they are located on Green Belt land. These resources were installed as an interim solution as the school was to be completely rebuilt under the Building Schools for the Future (BSF) project. Subsequently, the Department for Education terminated the BSF project and Aston Academy's rebuild project was cancelled. The temporary classrooms and gymnasium would

have to be replaced and relocated on site as part of the previous planning conditions. The cost of this work could be met from DfE funds provided to the Local Authority to meet their statutory obligations to provide sufficient school places in maintained schools, academies and free schools. Any other maintenance projects would have to be met by the Academy itself.

**Resolved:-** That, subject to a successful planning application, the proposal to allocate £4.5m capital to increase capacity by 150 places at Aston Academy by the installation of additional classroom space to accommodate future pupil numbers and to replace temporary classrooms currently on site be approved.

**72. PROPOSAL TO MAKE PRESCRIBED ALTERATIONS TO THE WILLOWS SCHOOL**

Consideration was given to the report which sought approval to commence a period of statutory consultation in relation to proposals to make prescribed alterations to the Willows School in line with the requirements of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 by increasing the number of places available by twenty and changing the age range of the school to nineteen so students could continue their education in a familiar environment.

This formed part of the report approved by the Cabinet on 19<sup>th</sup> February, 2018 - Special Educational Needs and Disability (SEND), Sufficiency and Increase in Educational Provision – Phase1 and the proposals to increase the number of SEND places available in the Borough by an additional 125 places between 2018 and 2021.

Cabinet Members welcomed these proposals in the borough when the lack of SEND provision was being reported as a concern nationally.

**Resolved:-** (1) That a period of statutory consultation be approved to commence by the posting of a public notice in relation to making prescribed alterations to the Willows School.

(2) That a further report be submitted in due course detailing the outcome of the consultation and seeking determination.

**73. MEDIUM TERM FINANCIAL STRATEGY UPDATE**

Consideration was given to the report which detailed the Council's Medium Term Financial Strategy (MTFS) and set out a framework for understanding the challenges the Council faced and supported corporate planning. It helped the Council to shape its finances over the medium term by examining the projected resources available to meet the priorities as set out in its Council Plan.

The Strategy sets out the framework and principles upon which current and future financial projections, over the medium term, would be predicated. The MTFS financial projections were revised and updated alongside the setting of the revenue budget 2018/19 and illustrated budget gaps of £29.7m over the period 2019/20 and 2020/21. The financial projections have been reviewed and updated again alongside the development of a two-year budget for 2019/20 and 2020/21 and were incorporated into the MTFS. The details of the budget including outcomes of consultation would be reported to Cabinet and Council in February, 2019 when the Budget and Council Tax Report 2019/20 was considered.

The Strategy document attached to this report represented an interim update to the Council's medium term financial plans, which would be further updated following completion of budget consultation and the receipt of further information on the Council's funding from Government within the Provisional Local Government Finance Settlement for 2018/19.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations, but requested the Strategy be updated by the Strategic Director of Finance and Customer Services to take account of the funding announcements from Central Government and addressed the concerns expressed by Members.

**Resolved:-** (1) That the updated Medium Term Financial Strategy be approved and that it be noted that the final version of the Strategy would be submitted to Cabinet and Council in February, 2019.

(2) That the Strategy be updated by the Strategic Director of Finance and Customer Services to take account of the funding announcements from Central Government and addressed the concerns expressed by Members.

#### **74. CHANGES IN LEGISLATION FOR THE COUNCIL TAX PREMIUM ON EMPTY PROPERTIES**

Consideration was given to the report that detailed how from 2013/14 the Government introduced changes affecting the way that Council Tax was charged on certain types of empty property or second homes, by allowing Local Authorities increased discretion to set the level of charges locally.

One option available to Local Authorities was the introduction of a 50% Premium for long term empty properties which had been unoccupied and substantially unfurnished for a period of over two years. The principle of the introduction of the Premium was to incentivise owners to bring empty properties back into use.

The Council introduced the Council Tax Premium with effect from 1<sup>st</sup> April, 2013 with the 50% Premium being charged on the two year anniversary of a property becoming unoccupied and substantially unfurnished.

In the November 2017 Budget statement, the Chancellor of the Exchequer announced that authorities would be given the power to increase the Council Tax Empty Homes Premium from the current level of 50% to 100% as further encouragement to owners to bring empty properties back into use.

In January 2018 Cabinet approved the introduction of the 100% Premium, which was expected to be effective from 1<sup>st</sup> April, 2019. However it had subsequently been announced that further changes were to be introduced to the Premium for the financial years 2020/21 and 2021/22, which would allow Councils to apply larger premiums to properties unoccupied and unfurnished for over five and ten years. It was understood that further guidance regarding implementation of the 2020/21 and 2011/22 changes may be released by the Government at a later date.

Legislation to introduce the changes to premiums received Royal Assent in November 2018 and it was expected that guidance in respect of the changes that could be applied from 2020/21, would be issued thereafter.

Cabinet Members supported these proposals and welcomed any incentive to bring long standing unoccupied properties back into use.

**Resolved:-** That it be recommended to Council that subject to the legislation being introduced an increase in the Empty Property Premium as follows:-

- (a) From 2020/21 a 200% premium for properties unoccupied and unfurnished for over five years.
- (b) From 2021/22 a 300% premium for properties unoccupied and unfurnished for over ten years.
- (c) Any decisions required in relation to the implementation of premiums following the issue of Government guidance, be delegated to the Strategic Director of Finance and Customer Services, in consultation with Cabinet Member for Corporate Services and Finance.

## **75. REVIEW OF POLLING PLACES 2019**

Consideration was given to the report which sought approval to recommend to Council for the commencement of a statutory review of polling districts and polling places within the borough.

A preliminary review had been undertaken by Council officers to inform the Returning Officer's initial proposals which were set out in the Consultation Paper attached at Appendix 2.

Some current polling places would not be available in future, and the review also took into account the impact of the ward boundaries which would come into effect at the 2020 elections. Where possible schools had been removed as polling stations to prevent closures which could impact on education.

Cabinet Members welcomed the review and sought assurances that the maps were accurate.

**Resolved:- (1)** That Council be recommended to:-

- a. approve a review of polling places in 2019 following the process described in this report.
- b. note the scope of the review and the proposals for changes.
- c. agree the outline timetable for the review, as set out in Appendix 1.
- d. power to designate polling places in accordance with section 18B of the Representation of the People Act 1983 is continued to be delegated to the Chief Executive, such power to be exercised only in circumstances where a decision is required at short notice and it is not possible to await a decision of Council.

(2) That following the outcome of the consultation on the review, the Assistant Director of Legal Services report to Cabinet with final review proposals for determination in order for Cabinet to make final recommendations to Council.

## **76. COUNCIL PLAN Q2 PERFORMANCE REPORT**

Consideration was given to the report which set out details of the Performance Report and Performance Scorecard and an analysis of the Council's current performance against fourteen key delivery outcomes and seventy measures. This report was based on the currently available data and also included an overview of progress on key projects and activities which contributed to the delivery of the Council Plan.

At the end of the second quarter (July to September 2018) 24 measures had either met or had exceeded the target set in the Council Plan. This represented 45% of the total number of indicators where data was available or where targets have been set. This was a slight decline in performance from the first quarter when 47% of indicators hit their targets. The Priority area with the highest proportion of targets met was Priority 1 (Every child making the best start in life) where 53% of indicators were marked on target.

The direction of travel was positive for 33 (57%) of the indicators measured in this quarter. This was a significant improvement compared to the 45% figure for last quarter and suggested that, although there had been an increase in the number of targets marked as “off track”, overall performance was improving.

Cabinet Members were invited to highlight progress and performance related to their portfolio areas.

Councillor Watson, Deputy Leader, reported on the good practice in children’s social care with repeat protection plans in two years going down to an all-time low. In addition, the reduction in the number of exclusions from schools which were fixed term was reducing which highlighted the good work taking place.

Councillor Beck, Cabinet Member for Housing, reported on the number of new homes as a result of Council intervention was positive and was fulfilling the need for housing for groups of vulnerable people. The selective licensing scheme was also performing above the target with 97% of dwellings now inspected and working through to compliance. This was a positive picture.

Councillor Allen, Cabinet Member for Cleaner Greener Communities, was pleased to report on the direction of travel for the number of engagements with the Council’s culture and leisure staff and the number of visits to facilities. Around 10,000 more people attended Rotherham Show in 2018 taking the total up to 60,000 attendees.

Street cleaning and grounds maintenance had seen a slight increase in requests for service, but the actual number of complaints was incredibly low.

Councillor Lelliott, Cabinet Member for Jobs and the Local Economy, reported on economic activity and how planning remained at 100% at both major and minor applications. Rotherham was still the fastest growing economy, but there were still pressures on the town centre. Rotherham was not unique and development of Forge Island and Markets would help with this.

Councillor Hoddinott, Cabinet Member for Waste, Roads and Community Safety, confirmed hate crime outcomes had fallen significantly and in the right direction with an increase in the outcomes. Staff would continue to talk to Police on how positive outcomes for victims were achieved. Victim satisfaction was very high as a result of the investigations going forward.

One area for improvement and performing well was anti-social behaviour. Officers and the Police were working with repeat victims, which was going down, and anti-social behaviour perception, which was going up.

In terms of enforcement new service with Doncaster was now having a dramatic effect showing an increase with fixed penalty notices.

Councillor Roche, Cabinet Member for Adult Social Care and Health, reported on the measures for Public Health which saw a reduction in smoking during pregnancy. Rotherham was one of the few authorities that tested for CO2.

Work was taking place with the new provider with overall progress being made in the reduction in the number of successful completions of drug treatment.

Councillor Alam, Cabinet Member for Corporate Services and Finance, reported on the areas performing well relating to non-domestic business rate collections and council tax collections. 85% of actions from the Equalities Peer Review had also been implemented. Areas for improvement included the closing of complaints within timescale and number of days lost to sickness, which was hovering just above the target. Work was progressing to address these areas of concern and how employees could be assisted back to work.

**Resolved:-** (1) That the overall position and direction of travel in relation to performance be noted.

(2) That consideration be given to measures which have not progressed in accordance with the target set and the actions required to improve performance, including future performance clinics.

(3) That the performance reporting timetable for 2018-2019 be noted.

## **77. ROTHERHAM TOWN CENTRE MASTERPLAN - FORGE ISLAND AGREEMENTS**

Consideration was given to the report which within the Masterplan identified the redevelopment on Forge Island as an essential catalyst to wider regeneration.

Following an extensive selection process, a development partner had been identified for the Forge Island development, this report sought approval for the approach required to deliver this. This included both the legal and financial aspects outlined in the 'Agreement for Lease' and 'Development Agreement' documents.

The head lease approach required that the developer raised funding for the total development costs and built out the scheme in return for the Council taking a head lease of the completed development over a fixed term. The Council, as head lessor, would sublet to and collect rents from operators, which would generate an income stream to fund the head lease costs. This was the option being proposed.

Under the proposal submitted by Muse, the Council did not take on the head lease until the various phases of the development were completed and a sufficient number of sub-tenants have been secured and have entered in to lease agreements, thereby minimising the financial risk for the Council.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations, but requested that quality updates be provided, that the Cabinet Member provide exception reports in the event of the scheme not progressing to plan, that further assurances be provided that the insertion of a break clause was not feasible prior to entering the lease agreement and that a report be provided on the feasibility of inserting a break clause for future major projects.

The Chair confirmed Cabinet were happy to accept the Overview and Scrutiny Management Board's recommendations and assured the Chair of the Board that the financial arrangements were feasible, but would be content for further information to be provided in taking break clauses forward.

**Resolved:-** (1) That the entering into a development agreement and the granting of the long lease of the Forge Island development site to the selected developer, Muse Developments Ltd. be approved.

(2) That the outlined financial approach to deliver the Forge Island development be approved and the Strategic Director for Regeneration and Environment be authorised to approve the final proposal in consultation with the Cabinet Member for Jobs and the Local Economy; subject to confirmation by the Strategic Director for Finance and Customer Services that the final proposal is affordable within the Budget and Financial Strategy and within the following parameters:

- The initial rents the Council is entitled to receive from occupiers are greater than the initial head lease rent and
- The financial modelling over the 35 year period shows that the Council's anticipated income from the development exceeds the total anticipated head lease costs.

(3) That the Assistant Director of Legal Services be authorised to agree the final legal documentation.

**78. SWINTON TOWN CENTRE REDEVELOPMENT - DEVELOPMENT BRIEF, APPOINTMENT OF DEVELOPER AND DISPOSAL**

Consideration was given to the report which provided an update on progress following the market testing of a redevelopment opportunity for two sites one a vacant Council owned site proposed for residential development and the other the existing Council buildings in Swinton Town Centre.

The site was fronted by Council owned retail and residential units and community facilities, the rear of the site was vacant. The vacant element was suitable for housing and the development of this land offered the opportunity to bring forward improvements to the Council owned assets. This report also requested the approval required to progress this project through the submission of a Development Brief to the open market.

**Resolved:-** (1) That aims and objectives for the redevelopment of Swinton Town Centre as set out at section 2 of this report be approved.

(2) That an OJEU compliant procurement process be approved to be undertaken in accordance with Rotherham Council's Contract Procedure Rules and Domestic and European Procurement Law.

(3) That Option 2 be approved as set out at paragraph 4.2 of the report. This option foregoes an amount of capital receipt to the Council in order to achieve regenerative benefits to the Community and the Council in relation to the redevelopment.

(4) That a further report be submitted following the evaluation of the tender submissions received, which recommends the endorsement of the preferred proposal and any approvals required for the disposal of land and property.

**79. COMMUNITY ENERGY SWITCHING SCHEME**

Consideration was given to the report which detailed the proposed community energy switching scheme which would be open to all Rotherham residents and would reduce the number of households paying high tariffs for gas and electricity and reduce fuel poverty. Although the scheme would be open to all residents it should be particularly beneficial to hard to reach and vulnerable tenants to assist them to identify and change to a cheaper tariff. Residents could save around £200 to £300 per year in an average three bedroom semi-detached house.

Having completed the recommended feasibility study the purpose approval was sought to carry out an OJEU procurement process to identify a potential partner to develop a community energy switching scheme and inform a business case that would be developed based on the results of the tender.

Cabinet Members offered their full support, particularly where residents would not transfer onto a variable tariff scheme after twelve months, but the best deal at the time would be sought and the need for consumers to keep changing suppliers.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations, but asked that customer support and service standards were ensured and built into the tender framework and that the performance of customer support and service standards be reported on a quarterly basis to the Cabinet Member for Jobs and the Local Economy.

**Resolved:-** (1) That the OJEU procurement process be approved to identify a potential partner to develop a community energy switching scheme and inform a business case that will be developed, based on the results of the tender.

(2) That the business case and Tender Evaluation Report be submitted to Cabinet for approval.

**80. IMMOBILISATION OF VEHICLES - PERSISTENT EVADERS AND UNTAXED VEHICLES**

Consideration was given to the report which sought approval in respect of the adoption of a policy which facilitated the immobilisation of vehicles. Approval of the proposals would allow untaxed vehicles and vehicles that were the subject of multiple unpaid parking penalty charge notices (PCNs) to be immobilised (clamped). This would prevent them being driven away prior to removal and achieve a safer working environment for officers and contractors by preventing dangerous actions of some drivers.

This report had been considered by the Improving Places Select Commission and reported into Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations, but requested the viability of reducing the number of offences from six to three be explored, that the introduction of vehicle immobilisation be widely publicised and that an update report be provided after the introduction of vehicle immobilisation.

The Chair confirmed the Cabinet were happy to accept Overview and Scrutiny Management Board's recommendations, but that the viability of reducing the number of offences was still being explored.

**Resolved:-** That the operational implementation of the immobilisation of untaxed vehicles and vehicles of persistent evaders of Parking PCNs, on the public highway be approved.

**81. LEASE OF GREEN SPACE, SCHOOL LANE, PARKGATE TO ROTHERHAM UNITED COMMUNITY SPORTS TRUST (RUCST)**

Consideration was given to the report which detailed how the recreation ground at School Lane, Parkgate had been leased to Inzone (Yorkshire) Community Interest Company since 2014 under the Asset Transfer Policy. The lessee now wished to surrender their lease and there was a risk that valuable facilities and infrastructure that they have invested in would be lost as a consequence.

It was, therefore, proposed that the lease be reassigned to Rotherham United Community Sports Trust (RUCST) who have confirmed they would purchase, maintain and provide these facilities for continued community use. RUCST would need to access grant funding to operate and develop the site, and such funding was dependent on them having tenure of the site for twenty-five years without break clauses. Since this was a deviation from Policy, approval was sought to grant an Asset Transfer Policy Lease Agreement to RUCST without break options and set out the special circumstances which related to this.

Cabinet Members were happy to support the recommendations as this would continue to benefit the community in improving fitness.

**Resolved:-** (1) That the grant of a new Asset Transfer Policy Lease Agreement be approved, as detailed in Option 1 of this report on land at School Lane, Parkgate, as shown edged in blue in the site plan at Appendix 1.

(2) That the Assistant Director of Planning Regeneration and Transport negotiate and agree the terms and conditions of the lease.

(3) That the Assistant Director of Culture, Sport and Tourism Service agree and monitor the service level agreement.

(4) The Assistant Director of Legal Services negotiate and complete the necessary documentation.

**82. RIVERSIDE HOUSE CAFÉ**

Consideration was given to the report which provided detail on the implementation proposal to achieve a proposed 2019/20 budget saving by commissioning an external partner to deliver the Riverside House Café provision.

Riverside House had now been open for seven years during which time the café has become an established feature.

Soft market testing of the opportunity as a business venture had established interest and it was considered that a commissioned partner could offer a more cost effective solution to opening the café. Existing staff would be transferred through to the organisation via TUPE.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations, but confirmed that if the tender process was not successful that future proposals be brought back for review and that preliminary work be undertaken at the earliest opportunity on alternative options in the event of the tender process not being successful.

**Resolved:-** That the conducting an open tender procedure process in accordance with the Council's Contract Procedure Rules and Domestic and European Procurement Law, in order to identify a partner to deliver the Riverside House Café through a lease and profit share tenancy agreement, be approved.

### 83. **IMPROVING AIR QUALITY IN ROTHERHAM**

Consideration was given to the report which detailed how air quality was now a major issue of growing interest and significance at a national and international level.

The National Air Quality Plan, published by Department for Environment, Food and Rural Affairs (DEFRA) in July 2017, identified those Local Authorities with areas that are not compliant with the European Union (EU) Ambient Air Quality Directive were identified through national air quality modelling. Twenty-eight Local Authorities were included ('mandated') in the plan, including Rotherham Metropolitan Borough Council (RMBC) and Sheffield City Council (SCC). RMBC and SCC were 'jointly mandated' on the basis that the Parkway in both Sheffield and Rotherham was identified as being non-compliant.

This had placed Rotherham and Sheffield under a legal duty to improve the Borough's air quality by reducing NO<sub>2</sub> emissions below the legal limits in the shortest possible time. The Councils were required to submit a proposal to Government (an Outline Business Case) to demonstrate how they would reduce emissions in the shortest possible timescale, by 31<sup>st</sup> December, 2018.

A feasibility study has been undertaken to locally assess air quality across Rotherham and Sheffield, to identify key locations where air quality was above the EU limits and to identify and assess mitigating actions to improve air quality at these locations. The findings of the study indicate that Sheffield would need to introduce a Category C charging zone (covering non-compliant buses, taxis, HGVs, LGVs), within (but including) the inner ring-road of the city centre, in order to achieve legal compliance by 2021. The study concluded, however, that a charging zone was not required in Rotherham for the Borough to achieve compliance.

The study identifies that measures would need to be taken at four specific locations across Rotherham to achieve compliance. The proposals in Rotherham, therefore, focused on changes to speed limits on the Rotherham section of the Parkway, improvements to the Rotherham bus fleet and the routing of buses on Rawmarsh Hill and Fitzwilliam Road, and the restriction of HGVs on Wortley Road.

These options were proposed to be accompanied by a number of additional measures, which aimed to support businesses to improve their fleet and improve air quality, such as targeted support to upgrade vehicles.

The Council would seek Government funding, through the Outline Business Case, to deliver on these proposals.

Following submission of the Outline Business Case, a wide-ranging statutory consultation across Rotherham and Sheffield was proposed to begin in early 2019. The Councils would seek the views of people who lived and worked across both areas, and the views of Rotherham's businesses and residents. This consultation would inform the submission of a Full Business Case to Government later in 2019.

The Council is therefore required by law to identify mitigating actions to improve air quality at these sites in the 'shortest possible timescale'. The sites were:-

- Sheffield Parkway in RMBC area (A630) (8% reduction in NO2 required).
- Rawmarsh Hill (A633), Rawmarsh (6% reduction in NO2 required).
- Fitzwilliam Road (A630), Eastwood (2% reduction in NO2 required).
- Wortley Road and Upper Wortley Road, Kimberworth and Thorpe Hesley (A629) (3% reduction in NO2 required).

The M1 remained a major cause of air pollution for Sheffield and Rotherham, however, responsibility for the M1 fell to Highways England rather than the Local Authorities. Whilst Highways England have been involved with the development of Sheffield and Rotherham's proposals the Council continued to urge Government to take a more robust, strategic approach with Highways England, to address emissions from the

motorway network.

This report had been considered by the Improving Places Select Commission and then referred to Overview and Scrutiny Management Board as part of the pre-scrutiny process. The Board were in support of the recommendations, but requested that the fleet of vehicles used by RMBC be reviewed to ensure that they meet the required regulations, that, on completion of the consultation, the final business case should make clear those points which have been included arising from the consultation, that the Cabinet Member for Waste, Roads and Community Safety notify the Overview and Scrutiny Management Board when funding has been received from Government for the initiative, that the Clean Air Zone be kept on the scrutiny work programme and that the outline consultation plan be reported to Improving Places Select Commission.

The Chair confirmed Cabinet would do its best to support all the recommendations as part of the pre-scrutiny process.

Councillor Hoddinott, however, pointed out that there was no regulation specifically on Council vehicles, but took on board the need to look at air quality and contributions in terms of vehicles. Equally in terms of Government funding this had already been received for officer time and research which would be subject to further funding of the mitigation measures.

The Chair pointed out that the measures required were all subject to Government rules and based on a national model. However, the Parkway did cross over the border into Rotherham which meant the Council were mandated to take action where it was identified in the report.

This matrix approach of policy measures would be undertaken and it would show the residents of Rotherham that action was being taken and the Council's role in fulfilling the policy without resorting to a congestion charge arrangement.

**Resolved:-** (1) That Rotherham Metropolitan Borough Council's (RMBC's) commitment to improve air quality in the Borough and to improve health outcomes for residents be endorsed.

(2) That it be recognised that Rotherham and Sheffield's air quality challenge is intrinsically connected and therefore approves the development of a joint air quality plan and package of interventions with Sheffield City Council (SCC) to protect and improve the health and wellbeing of people living, working and visiting our areas.

(3) That the evidence and analysis of the air quality challenge across the areas and the most challenging locations which breach legal limits for NO<sub>2</sub> pollution be supported and noted.

(4) That the proposed mitigating measures to bring Rotherham's air quality within the legal limit for NO<sub>2</sub> concentrations in the shortest possible time be approved.

(5) That authority be delegated to the Strategic Director, Regeneration and Environment, in consultation with the Cabinet Member for Jobs and the Local Economy and the Cabinet Member for Waste, Roads and Community Safety, to jointly submit, with Sheffield City Council, the Rotherham and Sheffield Outline Business Case to Government by 31st December, 2018.

(6) That a further report on Rotherham's clean air proposals be submitted, once Government has assessed the proposals in our Outline Business Case.

(7) That the launch of a statutory consultation in early 2019 on the Borough's proposals to tackle NO<sub>2</sub> pollution be approved.

**84. FOOD SERVICE INSPECTION PLAN 2018-19 AND INTRODUCTION OF A PRE-INSPECTION SERVICE OFFER**

Consideration was given to the report which detailed how the Food Standards Agency required all Competent Authorities to have an up-to-date, documented Food Service Plan, which was readily available to food business operators and consumers. This plan must be subject to regular review and clearly state the period of time for which the plan had effect.

The Food Standards Agency undertook a focussed audit of this Authority in May, 2010 and reported that the framework for the plan was in line with the Service Planning Guidance in the Framework Agreement. The Food Service Plan for 2018/19 followed this outline.

Food hygiene ratings were increasingly important to the food industry, with customers taking an active interest in the hygiene standards of the premises from which they ate, and accordingly making informed choices.

There was an opportunity to offer a pre-inspection advice service to food business owners. The service could provide valuable information and guidance prior to statutory inspections which, if heeded, would enable businesses to enhance their premises and deliver a higher food hygiene rating.

The Council therefore proposed to introduce an in-house offer to the food industry, to provide bespoke advice and guidance and support businesses to achieve compliance and improved food hygiene ratings. This would support food business, and deliver improved food hygiene outcomes for Rotherham's residents.

Whilst there were a number of food premises which would not take advantage of the offer, either because they have their own internal compliance systems, or where they did not see food hygiene as a priority, it was expected that a market existed for support to businesses who were eager to improve their rating and attract more customers.

The Chair of the Overview and Scrutiny Management Board confirmed this had been part of the budget proposals that had been considered and supported.

**Resolved:-** (1) That the Food Service Plan for 2018/19 be approved.

(2) That the introduction of a new Council service to provide pre-inspection advice to food businesses, for which a charge of £195 plus VAT will be made, be approved.

**85. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY MANAGEMENT BOARD**

Consideration was given to the circulated report, the contents of which were included as part of the relevant item and the details included accordingly.